

Appl. No.: 10/720,710
Amdt. dated 12/05/2005
Reply to Office action of November 15, 2005

REMARKS/ARGUMENTS

Claims 1-25 are pending. Claims 1-25 were rejected as unpatentable over U.S. Patent No. 4,557,398 to Hambleton et al. in view of U.S. Patent No. 6,076,728 to Cahill et al. The Office Action asserts that Hambleton discloses the claimed invention except for the lower acid content material. The Office Action then asserts that Cahill, at col. 9, lines 7-21, discloses the lower acid content material, and that it would have been obvious to provide Hambleton's container with the lower acid content material of Cahill in order to improve the adherence qualities of the sealing material.

The claims are directed to a container having a closure sealed with a heat-seal material comprising a blend of two ionomers of respectively higher and lower acid content such that the blend has an acid content intermediate those of the two ionomers. The reduced acid content has been found to reduce the "age-up" phenomenon in which the heat seal becomes stronger with age.

Applicant respectfully submits that the rejections are improper.

Hambleton discloses a container wherein the closure is sealed to the container with a Surlyn/lacquer layer **58** (col. 7, lines 54-68, col. 8, lines 1-4, and FIG. 3) on the closure.

Cahill discloses a composite container having a liner **14** that has an adhesive layer **63** forming the *outermost* layer of the liner that is against the paperboard body **13** (see FIGS. 13 and 14). The adhesive layer **63** can comprise any of various materials known as "dry bond" adhesives such as ethylene vinyl acetate, ethylene acrylic acid, ethylene methacrylic acid, ethylene methyl acrylate, and blends with each other or polyolefins. The dry bond adhesives are especially suitable for forming a good bond with paperboard. In view of the positioning of the adhesive layer **63** against the paperboard body **13** of the container, it is clear that adhesive layer **63** plays no role in the sealing of the membrane closure **11** to the container. Accordingly, whatever Cahill may teach with respect to particular materials for adhesive layer **63**, such

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teaching would not be pertinent to the issue of sealing a membrane closure to a container as in Hambleton. Thus, Cahill and Hambleton would not have been combined in the manner asserted in the Office Action.

Furthermore, even if Cahill and Hambleton were combined as proposed, the result would not be a container as presently claimed. More particularly, even if the materials of Cahill were used as Hambleton's seal layer 58, none of those materials comprises a blend of two ionomers of respectively higher and lower acid content such that the blend has an acid content intermediate those of the two ionomers. Indeed, none of the materials listed in Cahill is an ionomer—i.e., an ethylene acrylic acid is not an ionomer *unless* the acid groups are partially neutralized with a metal cation (e.g., SURLYN® is an ethylene acrylic acid copolymer whose acid groups are partially neutralized with zinc or sodium ions). There is no suggestion in Cahill that the listed dry bond adhesives include any ionomer. Therefore, even if Cahill and Hambleton were combined, the result would not be a container as presently claimed. Instead, the result would be a container whose closure has a dry bond adhesive layer, which is distinctly different from the blend of ionomers recited in the claims.

For the above reasons, Applicant respectfully submits that Hambleton and Cahill do not render the claimed invention obvious. Accordingly, Claims 1-25 are patentable over the cited references.

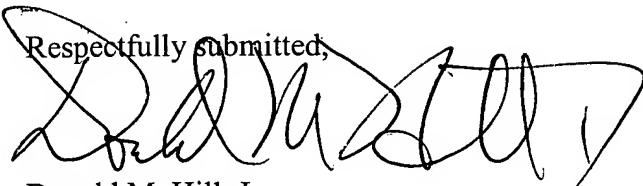
Conclusion

Based on the above remarks, it is respectfully submitted that the application is in condition for allowance.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

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therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

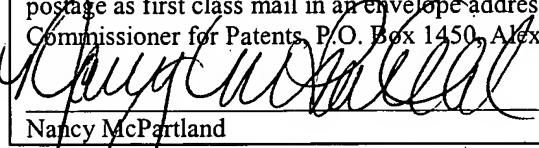
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